

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 APPELLATE SIDE
 Criminal Application No.879 of 2007
 In
 Criminal Appeal No.423 of 2005

Kumud Narsingh Panigrahi
 Vs.

Petitioner

The State of Maharashtra

Respondent

Miss Pooja Bhojne for petitioner.
 Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 21, 2007.

P.C.

. The learned counsel for the applicant states that the conviction warrant in respect of the present applicant has been misplaced from the Yerwada Central Prison and consequently the prison officials are unable to calculate the total period of sentence suffered by the applicant.

. The applicant - accused no.3 came to be convicted and sentenced in Sessions Case No.3 of 1996 and for the offence punishable under Section 395 of IPC he has been sentenced to suffer RI for ten years and for the offence punishable under Section 452 read with Section 34 of IPC he has been sentenced to suffer RI for seven years. The learned counsel is

not aware whether the applicant has deposited the fine amount of Rs.10,000/- on each count.

. As per the learned counsel for the applicant, he was in prison as an under trial from 27/9/1994 to 4/10/1996 and subsequently he is undergoing sentence from 20/12/1999 till today. The learned counsel for the applicant, therefore, has a strong apprehension that the sentence period of ten years is also close to get over or has already expired and, therefore, this application for directions to calculate the exact period during which the applicant has been in jail right from 27th September 1994 onwards both as an under trial prisoner as well as the convict.

. Hence the application is allowed in terms of prayer clause (a).

(B.H.MARL